

Title 16, PHYSICAL THERAPY BOARD OF CALIFORNIA MODIFIED TEXT

Changes to the modified text are shown by bold/double underline for new text and double strikeout for deleted text.

Article 8.5 Administrative Citations

1399.25. Administrative Citations.

(a) The executive officer of the board is authorized to determine when and against whom a citation will be issued. ~~and A citation may contain an administrative fine, an order of abatement, or both. A citation may be issued~~ for violations by a licensed physical therapist or physical therapist assistant ~~of the statutes referred to in section 1399.26. of any of the following:~~

- (1) The Physical Therapy Practice Act (Business and Professions Code section 2600 et seq.).
- (2) A regulation adopted by the board.
- (3) Other statutes or regulations for which the board ~~may~~ **has authority to** issue a citation.

(b) ~~A citation shall be issued whenever any fine is levied or any order of abatement is issued. Each citation shall be in writing and shall describe with particularity the nature and facts of the violation, including a reference to the statute alleged to have been violated. The citation shall be served upon the individual in the manner authorized pursuant to Business and Professions Code section 124 personally or by certified mail.~~

(c) Except as provided in subdivision (d), if an administrative fine is included in the citation, the fine for a violation shall not be less than \$100 and shall not exceed \$2,500. The following factors shall be considered when determining the amount of an administrative fine:

- (1) The good or bad faith of the cited person.
- (2) The nature and severity of the violation.
- (3) Evidence that the violation was willful.
- (4) History of the violations of the same or similar nature.
- (5) The extent to which the cited person has cooperated with the board.
- ~~(6) The extent to which the cited person has mitigated or attempted to mitigate any damage or injury caused by his or her violation.~~
- ~~(7) Such other matters as justice may require.~~

(d) A citation may include an administrative fine of up to \$5,000 if the board determines that at least one of the following circumstances apply:

- (1) The citation involves a violation that presents an immediate threat to the health and safety of ~~the~~ another person.

(2) The citation involves multiple violations of the Physical Therapy Practice Act or these regulations that demonstrate a willful disregard of the law.

(3) The citation involves a violation or violations perpetrated against a senior citizen or disabled person.

(4) The cited person has a history of two or more prior citations of the same or similar violations.

(ee) Every citation issued pursuant to this article shall be disclosed to an inquiring member of the public. However, it a citation shall be purged destroyed from all licensee records five (5) years from the date of issuance or, if one or more subsequent citations is issued within that five (5) year period, five (5) years from the date the last citation was issued. A citation that has been withdrawn or dismissed shall be purged destroyed from all licensee records immediately upon being withdrawn or dismissed.

Note: Authority cited: Sections 125.9 and 2615, Business and Professions Code. Reference: Section 125.9, Business and Professions Code.